

- (1) The project as originally approved and without any new conditions would not place the occupants of the proposed *development* or the immediate community in a condition dangerous to their health or safety; and
 - (2) No new condition is required to comply with state or federal law.
- (f) *Findings for Conditional Approval.* An extension of time , except for a Coastal Development Permit, may be approved with new conditions if the decision maker makes one of the following *findings*:
 - (1) New conditions are necessary to protect the health or safety of the residents of the *development* or the immediate community; or
 - (2) New conditions are necessary to comply with applicable state or federal law.
- (g) *Findings for Approval for Extension of Time for a Coastal Development Permit.* An extension of time for a Coastal Development Permit may be approved only if the decision maker makes all of the following findings:
 - (1) The project as originally approved would not place the occupants of the proposed *development* or the immediate community in a condition dangerous to their health and safety;
 - (2) There are no changed circumstances which would affect the project's consistency with the *Local Coastal Program*; and
 - (3) No new condition is required to comply with state or federal law.
- (h) *Denial of the Extension of Time.* The decision maker shall deny the extension of time if the project, even as conditioned, would place the residents of the proposed *development* or the immediate community in a condition dangerous to their health or safety, or would not comply with state or federal law.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§126.0112 Minor Modifications to a Development Permit

A proposed minor modification to an approved *development permit* may be submitted to the City Manager to determine if the revision is in *substantial conformance* with the approved permit. If the revision is determined to be in *substantial conformance* with

the approved permit, the revision shall not require an amendment to the *development permit*. Within the Coastal Overlay Zone, any *substantial conformance* determination shall be reached through a Process Two review.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§126.0113 Amendments to a Development Permit

- (a) A proposed revision to an approved *development permit* that would significantly reduce the scope of the *development* or is not in *substantial conformance* with the approved permit requires an amendment to the approved permit or an application for a new permit.
- (b) A proposed change in use from one use category to another or the change, addition, or deletion of a use within the same use category may require an amendment to a Neighborhood Use Permit or a Conditional Use Permit, depending on the uses allowed by the permit.
- (c) An application for an amendment to a *development permit* shall be acted upon in accordance with the same process as would a new application for the same permit. The application is subject to environmental review and will be evaluated in accordance with the State California Environmental Quality Act (CEQA) Guidelines, Sections 15162-215164. The decision maker may revise existing conditions or impose new conditions.
- (d) An amendment to an existing *development permit* does not affect the original expiration date of the permit.
- (e) Within the Coastal Overlay Zone, a proposed change in use which will result in a change in intensity of use requires an amendment or a new Coastal Development Permit.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§126.0114 Closing of Development Permit Application

The *development permit* application file shall be closed if the *applicant* fails to submit or resubmit requested materials, information, fees, or deposits 90 calendar days from the date the application was deemed complete or the last written request by the City, whichever is later. Once closed, the application, plans and other data submitted for review may be returned to the *applicant* or destroyed by the City Manager. To reapply, the *applicant* shall submit a new *development permit* application with

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required submittal materials and shall be subject to all applicable fees and regulations in effect on the date the new application is deemed complete.

("Closing of Development Permit Application" added 6-3-2003 by O-19187 N.S.)